

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

TZVI WEISS, et al.,

Plaintiffs,

Case No. 05-CV-4622 (DLI) (RML)

- against -

NATIONAL WESTMINSTER BANK PLC,

Defendant.

NATAN APPLEBAUM, et al.,

Plaintiffs,

- against -

NATIONAL WESTMINSTER BANK PLC,

Defendant.

Case No. 07-CV-916 (DLI) (RML)

**Oral Argument Requested**

**NOTICE OF RENEWED MOTION OF NATIONAL WESTMINSTER BANK PLC  
FOR SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum Of Law Of  
Defendant National Westminster Bank Plc In Support Of Its Renewed Motion For Summary  
Judgment, National Westminster Bank Plc's Supplemental Statement Of Additional Material  
Facts As To Which There Is No Genuine Issue Pursuant To Local Civil Rule 56.1, and the  
Declaration Of Mark S. Grube In Support Of Renewed Motion Of National Westminster Bank  
Plc For Summary Judgment and the exhibits submitted therewith, and all the prior pleadings and  
proceedings herein, Defendant National Westminster Bank Plc ("NatWest"), by and through its  
undersigned attorneys, will move this Court before the Honorable Dora L. Irizarry, U.S.D.J., at

the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York 11201, at a date and time to be determined by the Court, for an Order pursuant to Rule 56 of the Federal Rules of Civil Procedure, granting NatWest's renewed motion for summary judgment on plaintiffs' claims,<sup>1</sup> and dismissing all claims in the above-captioned actions with prejudice, and for such other and further relief as the Court may deem just and proper.

Dated: New York, New York  
December 21, 2016

Respectfully submitted,

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<sup>1</sup> On March 28, 2013, the Court granted NatWest summary judgment, ruling that no reasonable juror could find for plaintiffs on the scienter element of their claims, and without reaching NatWest's arguments that it was also entitled to summary judgment on the proximate causation and Hamas responsibility elements of plaintiffs' claims. *See* Order Granting Motion for Summary Judgment (ECF No. 310). On September 22, 2014, the Second Circuit reversed the Court's grant of summary judgment to NatWest on scienter grounds and remanded the case "for further proceedings, including consideration of NatWest's other asserted grounds for summary judgment." *Weiss v. National Westminster Bank Plc*, 768 F.3d 202, 212 (2d Cir. 2014). Plaintiffs subsequently amended the *Weiss* and *Applebaum* complaints to add claims arising from three additional attacks that were previously time-barred until Congress amended the Anti-Terrorism Act's statute of limitations in 2013 (collectively, the "SoL Attacks"). On August 2 and 12, 2016, the Court granted NatWest permission to file, and set a schedule for, NatWest's renewed motion for summary judgment with respect to the proximate cause and Hamas responsibility issues the Court did not reach in its March 28, 2013 opinion, as well as NatWest's motion for summary judgment with respect to plaintiffs' claims based on the SoL Attacks.